

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PETEDGE, INC.,	)	Civil Action No. 1:14-cv-14477
	)	
Plaintiff,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	
	)	
SKY BILLIARDS, INC.,	)	
d/b/a BEST CHOICE PRODUCTS,	)	
	)	
Defendant.	)	
	)	
	)	

**COMPLAINT**

Plaintiff PetEdge, Inc. complains against Sky Billiards, Inc., d/b/a Best Choice Products as follows:

**PARTIES**

1. PetEdge is a corporation organized and existing under the laws of the Commonwealth of Massachusetts and has its principal place of business at 100 Cummings Center, Beverly, Massachusetts, 01915.
2. PetEdge is in the business of designing, sourcing, manufacturing, and distributing pet-related merchandise.
3. PetEdge invented a folding pet ramp and steps apparatus and owns a patent directed to various embodiments of this apparatus, namely U.S. Patent No. 7,621,236 (“the ‘236 Patent”). A copy of the ‘236 Patent is attached as Exhibit A. PetEdge manufactures and sells folding pet ramp and steps products embodying inventions claimed in this ‘236 Patent and marks those products with the ‘236 Patent.

4. On information and belief, Sky Billiards, Inc., d/b/a Best Choice Products (“Best Choice Products”) is a corporation organized and existing under the laws of the State of California and has its principal place of business at 10955 Arrow Route, Suite 103, Rancho Cucamonga, California, 91730.

5. On information and belief, Best Choice Products manufacturers, uses, offers to sell, and/or sells an expansive array of consumer products, including pet-related merchandise.

6. Best Choice Product’s pet-related merchandise includes a pet ramp and staircase (Item No. SKY1742). Excerpts from Best Choice Product’s website (<http://bestchoiceproducts.com>) and a third-party retailer ([www.amazon.com](http://www.amazon.com)) through which Best Choice Products distributes its pet ramp and staircase are attached as Exhibit B.

7. Among the folding pet ramp and steps products PetEdge sells is its “Renew Rampsteps” (SKU ZA6044), which PetEdge markets and sells under its PETSTUDIO® brand. A side-by-side comparison of PetEdge’s PETSTUDIO® “Renew Rampsteps” and Best Choice Products’ “Folding 2-in-1 Pet Ramp & Stairs” is depicted below.

<b>PetEdge PETSTUDIO® “Renew Rampsteps”</b>	<b>Best Choice Products “Folding 2-in-1 Pet Ramp &amp; Stairs”</b>
	

8. Best Choice Products' manufacturing and sale of its pet ramp and staircase--which, as seen above, appears to be a knock-off or imitation of PetEdge's PETSTUDIO® ramp/steps product--is damaging PetEdge's reputation as a retailer of high-quality pet-related merchandise and its standing in the marketplace. In addition, sales of Best Choice Products' folding pet ramp/steps, which retail at a lower price point, are causing PetEdge to suffer lost profits and price erosion. Best Choice Products' activities have been without express or implied license from PetEdge.

### **JURISDICTION AND VENUE**

9. This is an action for patent infringement arising under the Patent Laws of United States, Title 35, United States Code. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 1332 (diversity) and 1338 (patent actions).

10. Venue is proper under 28 U.S.C. § 1391(b) and (c) and § 1400(b). Best Choice Products has committed and/or threatened to commit acts of infringement in this District, and this action arises from those acts. Best Choice Products has regularly engaged in business in this Commonwealth and District and purposefully availed itself of the privilege of conducting business in this District, for example, by offering for sale and selling the pet ramp and staircase in this District.

### **THE PATENT INFRINGED**

11. On November 24, 2009, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 7,621,236, entitled "Folding Pet Ramp and Steps" ("the '236 Patent").

12. The '236 Patent was assigned to PetEdge, which owns the full rights, title, and interest in it.

13. The '236 Patent has not expired and is in full force and effect.

14. Pursuant to 35 U.S.C. § 282, the ‘236 Patent and each of its claims are presumed valid.

**COUNT I**  
**INFRINGEMENT OF THE ‘236 PATENT**

15. PetEdge realleges and incorporates by reference paragraphs 1-14 above as though fully set out herein.

16. In violation of 35 U.S.C. § 271(a), (b) and (c), Best Choice Products has been and still is infringing, contributing to, and/or actively inducing infringement of the ‘236 Patent by manufacturing, using, offering to sell, and/or selling within the United States folding pet ramps and staircases, such as those depicted in Exhibit B, that are covered by one or more claims of the ‘236 Patent.

17. Best Choice Products has had at least constructive notice of the ‘236 Patent pursuant to 35 U.S.C. § 287(a) because PetEdge marks its pet ramp/steps products with the ‘236 Patent. Further, PetEdge notified Best Choice Products about alleged infringement of the ‘236 Patent by letter dated November 20, 2014. Thus, Best Choice Products had actual knowledge of the ‘236 Patent as well.

18. PetEdge provided Best Choice Products with an opportunity to respond to PetEdge’s letter dated November 20, 2014 before initiating this litigation, but Best Choice Products failed to do so.

19. Best Choice Products has profited and continues to profit from its manufacture, use, offers to sell, and sale of the infringing folding pet ramp and steps.

20. On information and belief, Best Choice Products’ infringement of the ‘236 Patent has been and continues to be willful, wanton, and deliberate.

21. PetEdge has been and continues to be damaged and irreparably harmed by Best Choice Products' infringement of the '236 patent.

WHEREFORE, PetEdge respectfully asks this Court to enter judgment for PetEdge and against Best Choice Products and to grant PetEdge the following relief:

A. A judgment under 35 U.S.C. § 271 finding that Best Choice Products infringes the '236 Patent;

B. An order under 35 U.S.C. § 283 preliminarily and permanently enjoining Best Choice Products from infringing the '236 Patent;

C. An award of damages under 35 U.S.C. § 284 adequate to compensate PetEdge for Best Choice Products' infringement of the '236 Patent and an accounting to determine the proper amount of such damages;

D. A three-fold increase in damages as a result of Best Choice Products' willful, wanton, and deliberate acts of infringement;

E. An award pursuant to 35 U.S.C. § 284 of costs and prejudgment and post judgment interest on PetEdge's compensatory damages;

F. An award pursuant to 35 U.S.C. § 285 of PetEdge's attorney's fees incurred in this action;

G. An order directing the recall of any and all existing Best Choice Products folding pet ramps and step systems that infringe the '236 Patent; and

H. Such further relief as this Court deems just and proper.

**JURY DEMAND**

PetEdge demands a trial by jury on all issues so triable.

PETEDGE, INC.  
By its Attorneys,

/s/ Erik Paul Belt

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